



National DNA Database Strategy Board

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Open Minutes of Meeting

Thursday 10th December 2009

10.30 a.m.

5th Floor Conference Room, New Scotland Yard

1.0 Welcome and Introduction

The Chair (GP) welcomed everyone to the meeting and took apologies including DCC David Shaw (DS) who he recorded his thanks for overseeing the transition of the NDNAD into the NPIA

Chair: Mr Gary Pugh (GP)	Association of Chief Police Officers (ACPO)
Secretary: DI Stacey Dibbs	ACPO DNA Staff Officer
Mr David Money (DM)	Association of Police Authorities (APA)
Mr Peter Edmundson (PE)	Head of Policing Powers and Protection Unit, Home Office
Ms Sarah Cunningham-Burley (SCB)	Human Genetics Commission
Mr Simon Bramble (SB)	Head Police Science & Forensics Unit, NPIA
Mr Chris Hughes (CH)	Chair of the DNA Ethics Group
Dr Doug Pearson (DP)	Scottish DNA Database Manager
Mr Jim McQuillan (JM)	Head of Scientific Support Northern Ireland
Ms Carol Moore (CM)	Criminal Justice Northern Ireland Office
Ms Kirsty Faulkner (KF)	Head of NDNAD Delivery Unit NPIA
Ms Alex Profts (AP)	Head of Corporate EDHR, NPIA



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Ms Caroline Caird (CC)	NPIA NDNAD DNA Quality Adviser (Guest)
Ms June Guinness (JG)	Forensic Regulators Office
Mr Mick Carling	Policy Unit NPIA
Minutes: Mr Andy Thomson (AT)	Head of DQIT, NPIA

2.0 Apologies

Mr Tyson Heppel	Home Office
Mr Ian Miller	Information Commissioners Office (Observer)
ACC Ian McCausland	Police Service Northern Ireland
DCC David Shaw	DCC West Mercia Police Service

3.0 Previous Minutes

The Chair highlighted that the minutes that had been circulated in note form and asked that amendments be sent to Stacey Dibbs (SD), he apologised that they had not been circulated earlier. He said that for each Board meeting the secretariat would produce one set of succinct minutes for publication. Board members would have the opportunity to have their views attributed and recorded if they wished. As outlined at previous meeting the minutes would be agreed at the following Board meeting and then published on the NDNAD website two weeks after the Board meeting. Points of a sensitive operational policing nature would not be minuted.

4.0 Matters Arising and Action Register

Governance

The Chair had met with the Minister of State to discuss the revised governance rules. These would be used within future legislation, the Minister agreed to consult with his opposite numbers in Scotland and Northern Ireland on the arrangements proposed in the revised governance rules for DNA databases held under separate jurisdictions.

Ethnicity Recording on the NDNAD

The Chair referred to previous discussion where it was agreed that ethnicity data should no longer be recorded as part of the DNA sampling process and therefore on the NDNAD. Ethnicity data would be extracted from PNC and the change to using the self reported 16+1 ethnic code classification system would be incorporated into the implementation of PND.



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The Board were informed that a study into NDNAD extracted data was being undertaken to compare the 6+1 recorded ethnic classification system to the 16+1 classification system for 1.47 million individuals. Northern Irish data would not be included in the dataset

Action: NPIA - Report to be available for next Board meeting along with reassurances that ethnicity data for those individuals on the NDNAD can be obtained from the PNC.

Action 10/09 – Familial searching of the NDNAD – ongoing action

There is to be a meeting with NPIA CAS to consider issues for Familial Searching; the relative efficiency of the commercially available algorithms and re-drafting of ACPO Tactical Guidance.

Action 13/09 – Volunteer Kits – ethnic appearance field removal - this action is ongoing

Actions 22/09, 23/09, 24/09, 31/09 & 32/09 are on the agenda for this meeting

Action 33/09 – Y-STRs – ongoing action

Crime Scene Profile Retention

Following the S & Marper ruling a number of Forces have questioned the retention of crime scene profiles on the NDAND after a match has been generated. Clarification is required as the retention of the crime scene profiles. The Chair stated that the central issue is that the retention of the crime scene profiles may, by proxy, be retaining the subject profile, on the other hand if a defendant is acquitted then the crime case remains unsolved and the DNA crime stain is relevant to the investigation and possibly linking it with other crimes. This is an issue that needs views from the ICO and the Ethics Group to inform a possible future policy if limited retention periods are introduced.

Action: Chair – to consult with the ICO as to the Data Protection Act implications and Ethics Group as to the ethical perspective

4.1 LT DNA Draft Caveat

June Guinness (JG) – Regulators Office, informed the Board that the Regulators DNA Specialist Working Group had agreed the draft caveat for LT DNA work, and the recommendation was that this draft be used. It was queried whether this caveat would be able to be applied to 15 loci kit profiles but the Board were informed that the caveat would not translate across to 15 loci profile matches. The caveat was agreed.

5.0 Government Research Re: DNA Retention Evidence

The Chair briefly described that the Governments proposals with respect to setting fixed retention periods for those individuals who were arrested and not convicted in response to the ECHR judgement, it was expected that these would be introduced in a Crime and Security Bill during 2010.



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The Board were informed of research being undertaken by the ACPO Criminal Records Office (ACRO) to assess the impact of changes to the retention policy. This research indicated that in 2008/09 the NDNAD linked 818 individuals to DNA found at murder/manslaughter or rape crime scenes, 82 of these individuals had their DNA retained on the NDNAD despite not having a conviction. Further work would be undertaken to understand the possible impact of the retention periods identified and the utility of the DNA matches by consulting Senior Investigating Officers in each case. The Chair agreed that research, being built around individual arrest events, was certainly a good starting point for assessing the risk factors associated with moving to other retention period systems.

David Money (DM) commented on the perceived unreliability of the original Jill Dando Institute (JDI) consultation statistics. The Chair agreed that the JDI statistics did not take account of re-arrest but highlighted that the JDI had relatively little time to produce the data and had made valuable contribution to the debate.

6.0 NDNAD Annual Report/Future Annual Report

The Chair thanked the NPIA for compiling and publishing the recent annual report for 2007-09. For the 2009-10 report he said he would like to be better prepared and it would be useful to get views from members of the Board regarding the structure that the report should take.

7.0 Strategic Risk Register – Outcomes/Updates

7.1 Performance & Data Integrity

7.1.1 Trend Report - Kirsty Faulkner (KF) presented the key figures to be considered by the Board

- The NPIA was working with the forces to address identify performance issues.
- Non-routine Speculative Searches are to be incorporated into the trend report (these searches were not registering in the figures previously, even though these can be related to the most high profile cases).

7.1.2 NDNAD Availability and Data Integrity Report

Escalated issues

- Unverified Match Reports – communications had gone to Forces concerning the procedure on receipt of an unverified Match report.
- Familial Searching - specific guidelines are required for data retention by FSP's. Simon Bramble (SB) stated that it had not been seen as a major risk originally, but in the post-Hannigan climate the Government had tightened the rules on data retention and transfer substantially. Familial searching needed to be considered and would be suspended while the



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processes were introduced and the NPIA ensured that no historic data was held by the FSPs. It was questioned as to whether there was a contractual agreement with FSP's to destroy this data. KF added that there was no contractual agreement but a record of the audit trail. The Chair said that he would be writing to FSP's and police forces to inform them of these changes and ensure that an audit of all data held by FSP's was undertaken, also in future all requests for Familial searches are approved by the Chair of the Strategy Board.

7.1.2a Volunteer Profiles held on the NDNAD

A plan was outlined for the removal of volunteer profiles from the NDNAD. Initially the majority of class code category profiles would be suspended pending investigations into their validity for retention (the suspension of the record inactivates it so that it cannot be considered in the matching process – it's effectively not on the NDNAD). Some of the volunteer profiles were from Police Registers – e.g. set up so that individuals would not get sampled on multiple occasions. The Board discussed the different classification of Volunteer profiles, although they are all classified as Volunteers, there were a variety of different groups.

It was suggested that advice could be added to the website on the volunteer sampling process. It was pointed out that the section of PACE relating to volunteer profiling would need to be amended in the forthcoming legislation to allow for consent to be withdrawn.

The Chair agreed that the volunteer profiles could be suspended and that an audit should be undertaken to ensure that police forces have the necessary record of consent and wish to retain the sample.

7.2 Information Asset Owners Report

Through the transition of the NDNAD large benefits have been gained from the general security, Disaster Recovery capability, and NDNAD availability.

7.3 Resilience: NDNAD Transition Final Report

The NDNAD transferred to the NPIA and was signed off on December 1st 2009. There were a few minor teething problems that needed resolution. The next consideration is looking at the security aspects. There is a gate 5 review of the benefits realised next year.

FSS DNA Boost has gone live with 14 searches to date; Forensics 21 will be looking at the results.

7.4 Science and Innovation

7.4.2 Implementation of 15 loci Profiling Kits



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The Board were informed that a plan endorsed, by the Regulator had been developed to move to a 15 Loci system but there were significant practical issues to resolve. The Board noted that there would need to be changes to the searching algorithms, and how the results would be reported. They were informed of the need to wait for kit compatibility data before recommendations could be given. Further operational details were discussed around concordance studies and the development of a frequency database. The Ethics Chair queried the proposals for outcomes from an ethical position – whether it would be looking at 200 profiles for each ethnic group. Peter Edmundson (PE) stated that if samples needed to be retained for these studies then it would require a government amendment to the Bill.

The Chair stated that there was a need for a research proposal for the next meeting outlining the work to be undertaken in concordance studies and the development of a frequency database.

Action: NPIA DNA Delivery Unit– to produce a research proposal outlining the work to be undertaken in concordance studies and the development of a frequency database.

7.4.3 Familial Searching

The issues described above in relation to different familial search algorithms used by FSPs were described to the Board. It was agreed that for reasons of consistency and data security that familial searching should form part of the requirement for the Next Generation Algorithm (NGA) for the NDNAD and should be owned and operated by the NPIA.

The Home Office Science Development Branch (HOSDB) has produced a specification for familial searching that can be used to test commercially available algorithms. The testing would be undertaken by the NDNAD Delivery Unit (NDU). HOSDB can independently evaluate the results with the findings being reported to the Regulator and the Board. The current algorithms would need to be validated through PT tests.

The Chair queried the scope with regard to familial searches and Near Matches, and requested the outlined requirements to come to the Board for the March meeting. There is a need to define what type of NGA would give forces best matching possibilities, and offer the best return for the Criminal Justice System.

Simon Bramble sought clarification from the Board that the decision had been made that henceforth all searching should be carried out in the NPIA (rather than commercial ventures by separate FSPs); the assumption being that NPIA would enter into contractual agreements with FSPs for use of the software to run the searches.

The Chair stated that the proposal is:

- Matching should take place in the NDU
- One algorithm would be used



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This would remove the provision of familial searching as a commercial service but the NPIA would need to procure a suitable algorithm thus providing FSP's within the opportunity to innovate and secure a commercial return.

Sarah Cunningham-Burley (SCB) questioned how the matching process works presently.

The different search levels for matching were explained:

- Routine Search – generates standard Match Report
- Speculative Searches
- Familial Searches/DNA Boost

For the latter 2 categories, the searching is done within the NDU; outputs to FSPs are controlled by the NDU and released when appropriate, with the FSP results coming back into the NDU.

Jim McQuillan highlighted the point that the current use of the familial searches is drawing a distinction between Public (Scotland/NI) and Private sector FSPs.

SB stated that, for the current situation, it needs to be established that the FSPs have a system that is valid as all FSPs have individually validated systems as it stands, but it is known that they can give different results. It was added that it could be expected that different results may be output on different days using any search solely due to the dynamic nature of the NDNAD data, and that the FSPs validation would be based upon the FSPs individual frequency database.

Action: NPIA – To produce an outline scope of the Next Generation Algorithm for the NDNAD that will conduct familial and near miss searching.

Ethical Considerations

The Board were informed that an options paper surrounding the format and structure of the Ethics Group is to be brought to the Board.

EIA/Race and Diversity

Alex Prots (AP) updated the Board on the considerations of the Equality Impact Assessment (EIA) of the NDNAD, the key points being that:

- The impact that the presence of a subjects profile on the NDNAD has in some communities
- It is an EIA of the operation of the NDNAD



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The EHRC related considerations for the NDNAD operations would be compliance with the race relations act. Consideration is needed around the Home Affairs Select Committee Inquiry on young black people in the Criminal Justice System.

Currently, with the pieces of work described earlier (comparing NDNAD ethnicity held as 6+1 against 16+1, and the impact of the retention considerations), it would be expected to see a drop in the disproportionately as more Black and Minority Ethnic (BME) individuals should be removed following S & Marper than ethnically white individuals due to the Arrestee/NFA status.

Work in this area now feeds directly into the Strategy Board (as the current group is to dissolve) and it is a function of this work to assess the real impact of having a DNA sample taken has for the various communities. It was added that the EIA is to be updated in a quarterly basis due to the sensitive nature of the issues (the mandatory time period is annually) and that the information explaining the work done/actions taken needs to be in the public domain – on the NDNAD website. The Ethics Chair added that there must be the fundamental importance of the legitimacy of sampling – there is a need for good explanations and data on the website, and raised the question of what outputs and outcomes are expected in the next year.

AP answered that from the Independent Advisory Group (IAG) focus sessions currently being undertaken it would be hoped to see:

- An increase in the confidence that the police are targeting the idea of disproportionality
- Possibly a decrease in the volume of Parliamentary Questions due to more/better information available
- An acknowledgement that there is an impact on communities.

7.5 International

The Board were informed that a significant development in international matters had been the search request for G8 countries, agreed at the Gleneagles summit in 2005. It is the electronic interchange of data through the Interpol I-24/7 network rather than through paperwork. The search is purely on the unsolved crime profile which is unidentified to the recipients, and does not involve any retention of profile/match data – the response from the search recipient is purely a 'Hit/No Hit' response.

In the preceding month a final Memorandum of Understanding has been agreed between the UK, Canada, US, and the rest of the G7 (Russia does not participate) countries.

The Chair informed the Board that for the searching of subject profiles any search would have to come to the Chair as the Data Controller. It would be useful if other countries crime stain profiles could be kept on the NDNAD and vice versa but only in those cases where it is believed that the perpetrator may travel extensively or originate from another country.



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The Board were told that the US and Canada have not agreed to the retention as part of the G7. There is interest in countries outside of the G7 in the electronic interchange – the security of systems being one of the considerations for this. The question of the Prüm treaty was raised in relation to this. France and Germany would not use this method at first, until they received clarification that this does not undermine Prüm

Peter Edmundson questioned that if there's a cheaper functional way of doing these 'Hit/No Hit' searches then should it be included in the strategic outline business case for Prüm.

8.0 Operational Update – DNA Project Management Overview

CT - Requirements Re: Speculative Search of the NDNAD

The Board were informed that a paper is to be prepared for the next meeting surrounding cross searching the CT profiles against the NDNAD. The CT is classified at a 'secret' level, but the Strategy Board needs to sighted on the proposed connectivity.

8.2 Missing Persons

Papers circulated to Board members. The Chair commented that recognising and managing the issues of taking DNA in these cases is very different from PACE or a crime scene sampling.

The key points from the diagrams and proposed procedure are:

- The existing database of body parts and unidentified persons should move into the NDNAD
- For 'missing persons' – the risk attached to those who choose/want to go missing has been dealt with in submitted papers.

It was explained that currently forces can take samples from high risk vulnerable individuals.

The procedure for sampling would be that the force conducts a risk assessment – for Low/Medium risk a sample would be sought after 7 days, for high risk a sample would be sought within 72 hours. This is a sampling rather than profiling consideration – once the sample is taken it covers the situation when a low risk subsequently rises to high risk.

If there's a NDNAD profile available then the profile can be moved from NDNAD to the MPDB, or a proxy/surrogate sample can be used such as a blood sample taken at birth, PAP smear, toothbrush/hairbrush with kinship samples to provide confidence in the profile.

It was put to the Board:



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- For the proxy/surrogate samples, if there is an available PACE sample/profile which would provide better identity assurance through the checks done at sampling, would the Board have to be informed for each occasion?

The Chair responded that using a duplicate profile from the NDNAD to add to the MPDB would be acceptable. The action that is required for this is:

The Chair confirmed that the model is agreed but the authorisation process needs formalising - there would need to be authorisation for both the movement of the MP profile and for the duplicate for surrogate purposes, and a suitable level of authorisation is required.

8.3 Media and Communication

Keynotes were provided to the Board:

- There are new NPIA website pages, with keywords allowing for easy searching
- 3100 people looked at the website during the last week
- Links to/from Wikipedia pages are included

It was requested that if there are any comments or suggestions for changes for the website, if these could be fed back to the NPIA; and that the change approval procedure for the website needs to be considered.

9.0 Dates of Future Meetings for 2010

- 18th March 10:30am to 2pm, 5th Floor Conference Room, NSY
- 10th June 10:30am to 2pm, 5th Floor Conference Room, NSY
- 7th September 10:30am to 2pm, 5th Floor Conference Room, NSY
- 9th December 10:30am to 2pm, 5th Floor Conference Room, NSY